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PATENT
Customer No. 22,852
Attorney Docket No. 02481.1759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Stefan PEUKERT et al.) Group Art Unit: 1624
)
Application No.: 10/002,326) Examiner: Sudhaker B PATEL
)
Filed: December 5, 2001)
)
For: ORTHO, ORTHO-SUBSTITUTED)
NITROGEN-CONTAINING)
BISARYL COMPOUNDS,)
PROCESSES FOR THEIR)
PREPARATION, THEIR USE AS)
MEDICAMENTS, AND)
PHARMACEUTICAL)
PREPARATIONS COMPRISING)
THEM)

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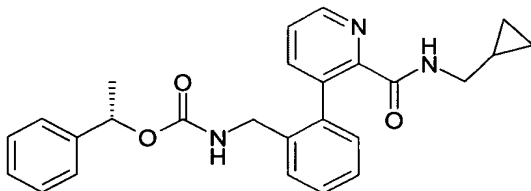
Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO ELECTION REQUIREMENT

In an election requirement dated March 6, 2003, the Examiner required election of a single disclosed species under 35 U.S.C. § 121 for prosecution on the merits. Applicants respectfully traverse.

Applicants provisionally elect the species of example 23,



The claims readable thereon include claims 1, 2, 3 and 5 - 18.

Applicants traverse the election of species requirement on the grounds that the Examiner has not shown that there would be a serious burden to examine all of the claimed species. Accordingly, Applicants respectfully request that the full scope of the claimed invention be examined in this application without an election requirement. If the Examiner chooses to maintain the election requirement, however, and should the elected species be found allowable, Applicants expect the Examiner to continue to examine the full scope of the claimed subject matter to the extent necessary to determine the full scope of the patentability thereof, *i.e.*, extending the search to the non-elected species, as is the duty of the Examiner according to M.P.E.P. § 803.02 and 35 U.S.C. § 121.

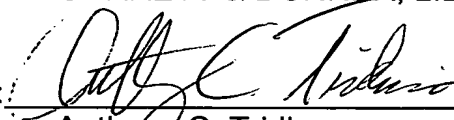
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 28, 2003

By:



Anthony C. Tridico
Reg. No. 45,958